

would have to show compelling need. Then I guess you get into the issue of judge shopping, if you will, and that will happen and we'll be back at square one again some time in the future. But, right now in order to show good faith on my part, I will withdraw this amendment, Mr. President, and let Senator Scofield offer an amendment to her amendment which will follow, I hope.

PRESIDENT: Okay, the amendment is withdrawn. Mr. Clerk, do you have anything else on it?

ASSISTANT CLERK: Mr. President, the next amendment I have is from Senator Scofield. That amendment is found on page 1166 of the Journal.

PRESIDENT: Senator Scofield, please.

CLERK: Senator, I understand you want to withdraw the amendment that you had printed and substitute the one that you just delivered to the podium?

SENATOR SCOFIELD: (Microphone not activated immediately.) ..., Mr. Clerk.

PRESIDENT: Any objections, so ordered?

CLERK: (Read Scofield amendment as found on page 1202 of the Journal.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members, and thank you, Senator Hall. I think your suggestion does help this amendment and there is some rationale for what you are suggesting here. The main difference between the two amendments is who ends up with control of the decision-making process. Mine leaves it in the hands of the independent court, as opposed to giving the advantage, shall we say, to either the defense or the prosecution. And there is some merit, I think, in striking the words that I had originally proposed, of qualified mental health professional to psychologist or psychiatrist. That way I think there is also no danger that on the defense side you perhaps end up with somebody with a lower level of credentials than somebody the prosecution side is using. So I think that is a reasonable thing to offer the defense and still leaves the decision-making process in the hands of the court. And I simply